

REMARKS

I. Preliminary Comments

The claims are directed to reducing the duration of cardiac arrhythmia as disclosed in the specification at page 9, lines 20-25 and in Figure 6. Previous rejections over prior art and for obviousness-type double patenting have now been withdrawn.

II. The Outstanding Rejections

Claims 1-10 stand rejected under 35 U.S.C. §112 (first paragraph) on the grounds that the specification fails to provide an enabling disclosure.

Claims 1-10 stand rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

III. Patentability Arguments

The rejections should be withdrawn and claims 1-5 and 8-10 should be allowed for the reasons set out below.

A. The Rejection of the Claims Under 35 U.S.C. §112 (first and second paragraphs) Should be Withdrawn.

The rejection of claims 1-5 and 8-10 under 35 U.S.C. §112 (first and second paragraphs) should be withdrawn because Applicants have fully supported the recitation of “BPI protein product” in their specification teaching a wide variety of biologically active analogs and variants of BPI which are the subject of co-owned U.S. patents and applications the disclosures of which were incorporated by reference in the specification. As evidence thereof, Applicants point out that both the parent and grandparent patents of the present application (U.S. 5,578,568 and U.S. 6,017,881) respectively recite “BPI protein product” in their claims. While each case indeed must be decided on its own merits, it is submitted that the merits of the present application warrant the scope of the claims presented.

The rejection of claims 1-5 and 8-10 on the basis that the specification does not support reduction of cardiac arrhythmia resulting from intestinal ischemia/reperfusion should be withdrawn because such treatment is taught at page 9, lines 20-25 and in Figure 6 in the specification. Contrary to the assertion in the Action, Figures 4A and 4B teach prevention of bradycardia not induction of tachycardia. Accordingly, that rejection should be withdrawn.

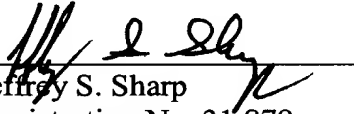
IV. Conclusion

It is submitted that each of claim 1-5 and 8-10 should now be indicated to be allowable. Should the Examiner have any questions of form or substance, he is invited to contact the undersigned attorney as the number listed below.

Respectfully submitted,

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